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10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA

12 NATASHA MARIE RASMUSSEN,) No. 2:23-cv-02201-DB
13 Plaintiff,)
14 v.) **STIPULATION TO VOLUNTARY**
15 MARTIN O'MALLEY,) **REMAND PURSUANT TO SENTENCE**
Commissioner of Social Security,¹) **FOUR OF 42 U.S.C. § 405(g) AND TO**
16 Defendant.) **ENTRY OF JUDGMENT; AND ORDER**
17)
18)

19 IT IS STIPULATED by and between Plaintiff ("Plaintiff") and Defendant Martin
20 O'Malley, Commissioner of Social Security ("Defendant"), through their undersigned counsel
21 of record, that the above-entitled action shall be remanded to the Commissioner of Social
22 Security for further administrative proceedings.

23 Upon remand, the Appeals Council will remand the case to an Administrative Law
24 Judge (ALJ) for a new decision and instruct the ALJ to re-evaluate the evidence of record. The
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27 ¹ Martin O'Malley became the Commissioner of Social Security on December 20, 2023.
28 Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O'Malley should be substituted for Kilolo Kijakazi as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 parties further request that the Court direct the Clerk of the Court to enter a final judgment in
2 favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner.

3 This stipulation constitutes a remand under the fourth sentence of Section 205(g) of the
4 Social Security Act, 42 U.S.C. 405(g).

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6 Dated: February 7, 2024

/s/ Francesco Benavides*

FRANCESCO P. BENAVIDES

Attorney for Plaintiff

*Authorized via e-mail on February 7, 2024

9 PHILLIP A. TALBERT

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10 MATHEW W. PILE

Associate General Counsel

11 Social Security Administration

12 By: /s/ David Priddy

13 DAVID PRIDDY

Special Assistant United States Attorney

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15 Attorneys for Defendant

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19 **ORDER**

20 Based upon the parties' Stipulation to Voluntary Remand Pursuant to Sentence Four of
21 42 U.S.C. § 405(g) and to Entry of Judgment ("Stipulation to Remand"), and for cause shown,

22 **IT IS ORDERED** that:

23 1. The above-captioned action is remanded to the Commissioner of Social Security for
24 further proceedings pursuant to the fourth sentence of Section 205(g) of the Social Security Act,
25 42 U.S.C. 405(g);

26 2. Upon remand, the Appeals Council will remand the case to an Administrative Law
27 Judge (ALJ) for a new decision and instruct the ALJ to re-evaluate the evidence of record;
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1 3. The Clerk of the Court shall enter a final judgment in favor of Plaintiff, and against
2 Defendant, reversing the final decision of the Commissioner; and

3 4. This action is closed.
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6 DATED: February 16, 2024

/s/ DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE